

CBW:

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 13-mj-336 (MKK)

AVERY WADE SCHOENBORN,

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 7, 2013, in Beltrami County, in the State and District of Minnesota, defendant(s)

engaged in a sexual act to wit, sexual intercourse, with Jane Doe, a known adult female and also an Indian, and who was physically incapable of declining participation in, and communicating unwillingness to engage in, that sexual act, within the exterior boundaries of the Red Lake Indian Reservation

in violation of Title 18, United States Code, Section(s) 2242(2)(B), 2246(2)(A), 1151 and 1153(a).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

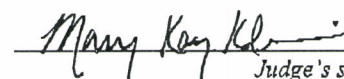
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Complainant's signature
JOE OGDEN, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: May 14, 2013


Judge's signature

City and state: Bemidji, MN

Mary Kay Klein, U.S. Magistrate Judge
Printed name and title

Received Time May. 16. 2013 3:06PM No. 0031



1 STATE OF MINNESOTA)

2)
3 COUNTY OF BELTRAMI) ss. AFFIDAVIT OF JOE A OGDEN

4) 13-mj-336 (MKK)
5)
6)

7 1. Your affiant, Joe A. Ogden, being duly sworn, does
8 depose and state as follows:

9 2. I am a Special Agent (SA) of the Federal Bureau of
10 Investigation (FBI). I have been a Special Agent of
11 the FBI since 2010. I am currently assigned to the
12 Bemidji, Minnesota Resident Agency of the FBI with the
13 primary responsibility of investigating violent crimes
14 that occur on the Red Lake Indian Reservation. The
15 information contained in this affidavit is based on my
16 knowledge and on the reporting and knowledge of other
17 law enforcement officers involved in this
18 investigation.

19 3. On May 7, 2013, at approximately 1:44 AM, the Red Lake
20 Police Department (RLPD) responded to a report of a
21 male named Avery Schoenborn trying to molest Jane Doe,
22 a known adult female, date of birth (DOB) XX/XX/1994,
23 near Redby, Minnesota, which is located within the
24 exterior boundaries of the Red Lake Indian
25 Reservation.

26 4. At Redby, RLPD Officer responded to the scene and
27 found a sleeping female on the couch. An RLPD Officer
28 attempted to wake up the Jane Doe but she did not
29 respond.

30 5. RLPD Officer spoke with Fannie Jo Howard who reported
31 that she, Dylan Stately, Jane Doe, and Avery
32 Schoenborn had been at her residence. Jane Doe went to

1 sleep so Fannie Jo Howard and Dylan Stately placed a
2 fully clothed Jane Doe on the couch. Fannie Jo Howard
3 told Avery Schoenborn that he could sleep on the other
4 couch. Fannie Jo Howard and Dylan Stately went to her
5 bedroom. Fannie Jo Howard heard noises coming from the
6 living room of the house. Fannie Jo Howard exited her
7 bedroom, turned on the hallway light and observed a
8 nude Avery Schoenborn on top of Jane Doe.

9 6. Howard startled Schoenborn and he get up from the
10 couch. Howard observed Schoenborn pull his pants up.

11 7. Schoenborn stated "she let me do it" and then
12 Schoenborn fled the residence. Howard and Stately
13 attempted to stop Schoenborn from leaving the
14 residence.

15 8. Howard reported that Jane Doe never woke up during the
16 incident.

17 9. Stately reported that Howard confronted Schoenborn
18 regarding the incident and Stately heard Schoenborn
19 state "she let me, she let me".

20 10. Schoenborn was located and arrested by RLPD Officers.
21 Schoenborn stated to an RLPD Officer that he had been
22 at his Aunt's residence on the night of the incident
23 and could not have committed any crime.

24 11. Special Agent Joe A. Ogden interviewed Schoenborn on
25 May 7, 2013. Schoenborn stated that he had been at the
26 Howard residence with Howard, Stately and Jane Doe.

27 12. Frances Johnson reported to Special Agent Joe A.
28 Ogden that she had observed that Jane Doe's bra had
29 been pushed up exposing her left breast. Johnson also
30 reported that Jane Doe's pants and underwear had been
31 pulled off of her left leg and down to her right

1 ankle. Johnson advised Jane Doe never woke up during
2 the incident.

3 13. Both Jane Doe, DOB XX/XX/1994, and Avery Wade
4 Schoenborn, DOB XX/XX/1989, are enrolled members of
5 the Red Lake Band of Chippewa Indians.

6 14. Based upon the above information, I believe that there
7 is probable cause to conclude that on May 7, 2013,
8 within the exterior boundaries of the Red Lake Indian
9 Reservation, Minnesota, a location within the special
10 territorial jurisdiction of the United States, Avery
11 Wade Schoenborn, date of birth (DOB) XX/XX/1989, did
12 knowingly attempt to engage in a sexual act with Jane
13 Doe, also an Indian, who was physically incapable of
14 declining participating in, or communicating
15 unwillingness to engage in, a sexual act, in violation
16 of Title 18, United States Code, Section 2242(2)(B),
17 2246(2)(A), 1151 and 1153(a).

18 15. Further your affiant sayeth not.
19
20

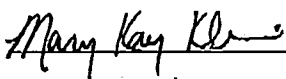
21 
22 Joe A. Ogden

23 Special Agent

24 Federal Bureau of Investigation

25 Bemidji, Minnesota
26

27 Subscribed and sworn to before me this 14th day of May 2013.
28

29 
30

U.S. Magistrate Judge